

19-1011
jmr

UNITED STATES COURT OF APPEALS
for the
Fourth Circuit

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

Melinda Scott)	
_____)	
Plaintiff)	
)	
v.)	Civil Action No, 0:19CV.PR01011
Andrew Carlson)	
_____)	
Defendant)	

MOTION TO SUSPEND RULES

Defendant, Andrew Carlson, pro se, hereby files this motion to partially suspend the rules of the fourth circuit federal court of appeals, in accordance with Rule 2 of the Federal Rules of Appellate Procedure, which states that the court on its own initiative or at the initiative of a motion from either party, may suspend any provision of these rules in a particular case, & order proceedings as it directs.

In particular, the rules which I seek to be suspended are as follows: Since I am pro so, & have little experience in judicial matters, I request that perfect exactitude to format & style not be required of me so long as it does not create an undue burden on this court, with the contingent that I will do my best to be in accords with the required format & style, but that I cannot guarantee perfect fidelity to all the procedures of format & style. I am also not sure what is allowed to be brought up in a response brief. From what I read, new evidence not mentioned in the files of the trial court should not be introduced. However, this case is an appeal of a judge's dismissal prior to any trial having occurred.

This difference leaves me confused. Furthermore it is confusing to me because I was never served the original complaint that is being appealed. So I never got a chance to answer the original complaint or file a motion to dismiss. This being so, it is my request that this court accept my response brief as valid, even if some of the response brief is technically not supposed to be included. For example, I was not sure if I am allowed to file a motion to dismiss, so I wrote the response brief in such a way as to also serve the function of a motion to dismiss, without technically being a motion. I am not sure if this is allowed under normal regulations, but I am asking that if it is not usually allowed, that my response brief be permitted for the benefit of the court. If the court will not allow this to serve as both a response brief & a motion to dismiss, then I ask the court to let this serve as a motion to dismiss only if it is allowed, despite it also surpassing word limits for a motion; since I wrote this with the understanding that it was a response brief & not a motion (for motions have a smaller word limit unless the court makes an exception). Thus I ask the judges of this court to make any exceptions necessary for the judges to accept my response for the court.

I ask these things because, as demonstrated in my response brief, suspending the rules as requested above will expedite this court's decision & it will also be for the other good cause of this court being able to more quickly dismiss this appeal so that this court's time is not wasted with frivolous litigation, since as I argue in my response brief, this lawsuit against me derives from vexatious litigation.

CERTIFICATE OF SERVICE

I, Andrew Carlson, do hereby certify that on this 22nd day of January 2019, this motion was mailed to the Fourth Circuit of the United States Court of Appeals, & that I mailed a copy of this motion to the Plaintiff, Melinda Scott, via her PO BOX address, PO BOX 1133-2014PMB87, Richmond VA, 23218.

Andrew Carlson

Sincerely,

Andrew Carlson